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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange  
**10/19/2012** at 12:27:54 PM  
Clerk of the Superior Court  
By Fidel Ibarra, Deputy Clerk

5 Attorneys for Plaintiff  
Environmental Research Center  
6  
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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER  
10

11  
12 ENVIRONMENTAL RESEARCH ) **Case No.:** 30-2012-00606444-CU-MC-CJC  
CENTER, a California non-profit )  
13 corporation, )  
14 Plaintiffs, ) **COMPLAINT FOR INJUNCTIVE**  
 ) **RELIEF AND CIVIL PENALTIES**  
15 vs. ) **[Health & Safety Code § 25249.5, et seq.]**  
 )  
16 ATRIUM, INC., FULL GREEN CIRCLE ) **[UNLIMITED CIVIL CASE - AMOUNT**  
CORPORATION, FULL GREEN ) **DEMANDED EXCEEDS \$25,000)]**  
17 CIRCLE LLC, PUREFORMULAS.COM, )  
18 and DOES 1-50, Inclusive, ) **Judge Tam Nomoto Schumann**  
 ) **C-10**  
19 Defendants.

20 Plaintiff Environmental Research Center, Inc. brings this action in the interests of the  
21 general public and, on information and belief, hereby alleges:

22 **PARTIES**

- 23 1. Plaintiff Environmental Research Center, Inc. (“ERC”) is a non-profit corporation  
24 organized under California’s Non-Profit Benefit Corporation Law. ERC is dedicated to, among  
25 other causes, reducing the use and misuse of hazardous and toxic substances, consumer  
26 protection, worker safety and corporate responsibility.  
27 2. ERC is a person within the meaning of H&S Code §25118 and brings this  
28 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

1           3.       Plaintiff alleges on information and belief that Defendant ATRIUM, INC. is a  
2 Wisconsin Corporation.

3           4.       Defendant ATRIUM, INC. is a person within the meaning of H&S Code  
4 §25249.11(a).

5           5.       Defendant FULL GREEN CIRCLE CORPORATION is a business of unknown  
6 form that is a person within the meaning of H&S Code §25249.11(a).

7           6.       Defendant FULL GREEN CIRCLE LLC is a business of unknown form that is a  
8 person within the meaning of H&S Code §25249.11(a).

9           7.       Defendant PUREFORMULAS.COM is a business of unknown form that is a  
10 person within the meaning of H&S Code §25249.11(a).

11          8.       Each defendant has manufactured, packaged, distributed, marketed, sold and/or  
12 have otherwise been involved in the chain of commerce, and continues to manufacture, package,  
13 distribute, market, sell and/or otherwise continue to be involved in the chain of commerce of  
14 products subject of this action for sale or use in California. Plaintiff alleges on information and  
15 belief that Defendants employ ten or more persons, and are thus each a “person in the course of  
16 doing business” within the meaning of Proposition 65.

17          9.       Defendants DOES 1-50 are named herein under fictitious names, as their true  
18 names and capacities are unknown to Plaintiff. ERC is informed and believes, and thereon  
19 alleges, that each of said DOES has manufactured, packaged, distributed, marketed, sold and/or  
20 has otherwise been involved in the chain of commerce of, and continues to manufacture,  
21 package, distribute, market, sell, and/or otherwise continues to be involved in the chain of  
22 commerce of products subject of this action for sale or use in California, and/or is responsible, in  
23 some actionable manner, for the events and happenings referred to herein, either through its  
24 conduct or through the conduct of its agents, servants or employees, or in some other manner,  
25 causing the harms alleged herein. Plaintiff will seek leave to amend this Complaint to set forth  
26 the true names and capacities of DOES when ascertained.

27          10.       Plaintiffs are informed and believe and thereon allege that each of the defendants  
28 is in some manner responsible for the events set forth in this Complaint and proximately caused

1 the injuries and damages as alleged in this Complaint.

2 11. Plaintiff is informed and believes and thereon alleges that at all material times,  
3 defendants, and each of them, were the agents, servants, and employees of the other defendants,  
4 and each of them in such a way as to cause each defendant to be jointly and severally liable and  
5 responsible for the conduct of one another. The conduct of each defendant was within the course  
6 and scope of the authority granted each defendant by the other defendants. Each defendant  
7 ratified and approved of the acts or omissions of each other such as to cause each to be jointly  
8 and severally liable for the conduct of each other defendant.

9 **THIS ACTION**

10 12. This action seeks to remedy Defendants' continuing failure to warn consumers in  
11 California that they are being exposed to lead, a substance known to the State of California to  
12 cause cancer, birth defects and other reproductive harm.

13 13. Defendant ATRIUM, INC. has manufactured, packaged, distributed, marketed,  
14 sold and/or have otherwise been involved in the chain of commerce of, and continue to  
15 manufacture, package, distribute, market, sell and/or otherwise continue to be involved in the  
16 chain of commerce of the following ingestible products, which contain the chemical lead and  
17 which have been and continue to be offered for sale, sold and/or otherwise provided for use  
18 and/or handling to individuals in California:

- 19 a. Atrium Inc. atri-res
- 20 b. Atrium Inc. garcinia cambogia plus
- 21 c. Atrium Inc. atri-thy-kelp
- 22 d. Atrium Inc. comfrey b&p
- 23 e. Atrium Inc. atri-cleanse
- 24 f. Atrium Inc. Parasit-X
- 25 g. Atrium Inc. Chitosan HD Plus
- 26 h. Atrium Inc. spirulina
- 27 i. Atrium Inc. fibertime
- 28 j. Atrium Inc. Val-Tran

1 k. Atrium Inc. Atri-Nerve

2 These listed products are hereinafter referred to together as “THE PRODUCTS” or  
3 “PRODUCTS”.

4 14. Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE  
5 LLC, and PUREFORMULAS.COM manufactured, packaged, distributed, marketed, sold and/or  
6 have otherwise been involved in the chain of commerce of, and continue to manufacture,  
7 package, distribute, market, sell and/or otherwise continue to be involved in the chain of  
8 commerce of certain of THE PRODUCTS, as follows, which contain the chemical lead and  
9 which have been and continue to be offered for sale, sold and/or otherwise provided for use  
10 and/or handling to individuals in California:

- 11 a. Atrium Inc. atri-cleanse
- 12 b. Atrium Inc. Parasit-X
- 13 c. Atrium Inc. Chitosan HD Plus
- 14 d. Atrium Inc. fibertime
- 15 e. Atrium Inc. Val-Tran
- 16 f. Atrium Inc. Atri-Nerve

17 15. The use and/or handling of each and all of THE PRODUCTS causes exposures to  
18 lead at levels requiring a “clear and reasonable warning” under California’s Safe Drinking Water  
19 and Toxic Enforcement Act of 1986, Health & Safety Code (“H&S Code”) §25249.5, *et. seq.*  
20 (also known as “Proposition 65”). Defendants have failed to provide the health hazard warnings  
21 required by Proposition 65.

22 16. The continued manufacturing, packaging, distributing, marketing and/or sales of  
23 each, any, and all of THE PRODUCTS without the required health hazard warnings, causes  
24 individuals to be involuntarily and unwittingly exposed to levels of lead that violate Proposition  
25 65.

26 17. Plaintiff seeks injunctive relief enjoining Defendants from the continued  
27 manufacturing, packaging, distributing, marketing and/or selling any and each of THE  
28 PRODUCTS for sale or use in California without first providing clear and reasonable warnings,

1 within the meaning of Proposition 65, regarding the risks of cancer, birth defects and other  
2 reproductive harm posed by exposure to lead through the use and/or handling of THE  
3 PRODUCTS. Plaintiff seeks an injunctive order compelling Defendants to bring each of its  
4 business practices into compliance with Proposition 65 by providing clear and reasonable  
5 warnings to each individual who may be exposed to lead from the use and/or handling of THE  
6 PRODUCTS.

7 18. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties to  
8 remedy Defendants' failure to provide clear and reasonable warnings regarding exposures to the  
9 lead.

10 **JURISDICTION AND VENUE**

11 19. This Court has jurisdiction over this action pursuant to California Constitution  
12 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes except  
13 those given by statute to other trial courts." The statute under which this action is brought does  
14 not specify any other basis for jurisdiction.

15 20. This Court has jurisdiction over Defendants because, based on information and  
16 belief, each Defendant is a business having sufficient minimum contacts with California, or  
17 otherwise intentionally availing itself of the California market through the marketing,  
18 distribution and/or sale of any, some or all of THE PRODUCTS in the State of California to  
19 render the exercise of jurisdiction over it by the California courts consistent with traditional  
20 notions of fair play and substantial justice.

21 21. This Court is the proper venue for this action because each Defendant has violated  
22 California law in the County of Orange. Furthermore, this Court is the proper venue under Code  
23 of Civil Procedure §395.5 and H&S Code §25249.7(a), which provides that any person who  
24 violates or threatens to violate H&S Code §§25249.5 or 25249.6 may be enjoined in any court of  
25 competent jurisdiction.

26 **STATUTORY BACKGROUND**

27 22. The People of the State of California have declared in Proposition 65 their right  
28 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other

1 reproductive harm.” (Section 1(b) of Initiative Measure, Proposition 65).

2           23. To effect this goal, Proposition 65 requires that individuals be provided with a  
3 “clear and reasonable warning” before being exposed to substances listed by the State of  
4 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent  
5 part:

6                           No person in the course of doing business shall knowingly and  
7 intentionally expose any individual to a chemical known to the state to  
8 cause cancer or reproductive toxicity without first giving clear and  
9 reasonable warning to such individual....

10           24. Proposition 65 provides that any person who “violates or threatens to violate” the  
11 statute “may be enjoined in any court of competent jurisdiction.” (H&S Code §25249.7(a).)  
12 “Threaten to violate” is defined to mean creating “a condition in which there is a substantial  
13 probability that a violation will occur.” (H&S Code §25249.11(e).) Violators are liable for civil  
14 penalties of up to \$2,500 per day for each violation of Proposition 65. (H&S Code §25249.7(b).)

15                           **FACTUAL BACKGROUND**

16           25. On February 27, 1987, the State of California officially listed the chemical lead as  
17 a chemical known to cause developmental and reproductive toxicity. Lead became subject to the  
18 warning requirement one year later and was therefore subject to the “clear and reasonable”  
19 warning requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of  
20 Regulations (“CCR”) §25000, *et seq.*; H&S Code §25249.5, *et seq.*)

21           26. On October 1, 1992, the State of California officially listed the chemical lead as a  
22 chemical known to cause cancer. Lead became subject to the warning requirement one year later  
23 and was therefore subject to the “clear and reasonable” warning requirements of Proposition 65  
24 beginning on October 1, 1993. (27 CCR §25000, *et seq.*; H&S Code §25249.5, *et seq.*)

25           27. Plaintiff is informed and believes, and based on such information and belief,  
26 alleges each of THE PRODUCTS have been marketed, distributed and/or sold to individuals in  
27 California without the requisite clear and reasonable warnings. THE PRODUCTS continue to be  
28 marketed, distributed and sold in California without the requisite warning information.



1 violator. The October 21, 2011 Notice of Violations was issued as follows:

- 2 a. Defendant ATRIUM, INC. and the California Attorney General were provided  
3 copies by Priority Mail of the October 21, 2011 Notice of Violations, along with a  
4 Certificate of Merit by the attorney for the noticing party stating that there is a  
5 reasonable and meritorious cause for this action. The requisite county district  
6 attorneys and city attorneys were provided copies by Priority Mail of the October  
7 21, 2011 Notice of Violations and Certificate of Merit.
- 8 b. Defendant ATRIUM, INC. was provided, with the October 21, 2011 Notice of  
9 Violations, a copy of a document entitled “The Safe Drinking Water and Toxic  
10 Enforcement Act of 1986 (Proposition 65): A Summary,” which is also known as  
11 Appendix A to Title 27 of CCR § 25903.
- 12 c. The California Attorney General was provided, with the October 21, 2011 Notice  
13 of Violations, additional factual information sufficient to establish a basis for the  
14 Certificate of Merit, including the identity of the persons consulted with and  
15 relied on by the certifier, and the facts, studies, or other data reviewed by those  
16 persons, pursuant to H&S Code §§25249.7(d)(1) and 25249.7(h)(2).

17 35. The appropriate public enforcement agencies have failed to commence and  
18 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against Defendants  
19 based on the allegations herein.

20 36. By committing the acts alleged in this Complaint, Defendants at all times relevant  
21 to this action, and continuing through the present, have violated and continue to violate H&S  
22 Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing  
23 individuals who use or handle THE PRODUCTS to the chemical lead at levels exceeding  
24 allowable exposure levels without Defendants first giving clear and reasonable warnings to such  
25 individuals pursuant to H&S Code §§25249.6 and 25249.11(f). Defendants have manufactured,  
26 packaged, distributed, marketed, sold and/or has otherwise been involved in the chain of  
27 commerce of, and continue to manufacture, package, distribute, market, sell and/or otherwise  
28 continue to be involved in the chain of commerce of THE PRODUCTS, which have been, are,

1 and will be used and/or handled by individuals in California, without Defendants providing clear  
2 and reasonable warnings, within the meaning of Proposition 65, regarding the risks of cancer,  
3 birth defects and other reproductive harm posed by exposure to lead through the use and/or  
4 handling of THE PRODUCTS. Furthermore, Defendants have threatened to violate H&S Code  
5 §25249.6 by THE PRODUCTS being marketed, offered for sale, sold and/or otherwise provided  
6 for use and/or handling to individuals in California.

7 37. By the above-described acts, Defendants have violated H&S Code §25249.6 and  
8 is therefore subject to an injunction ordering Defendant to stop violating Proposition 65, and to  
9 provide required warnings to consumers and other individuals who will purchase, use and/or  
10 handle THE PRODUCTS.

11 38. An action for injunctive relief under Proposition 65 is specifically authorized by  
12 Health & Safety Code §25249.7(a).

13 39. Continuing commission by Defendants of the acts alleged above will irreparably  
14 harm the citizens of the State of California, for which harm they have no plain, speedy, or  
15 adequate remedy at law.

16 40. Wherefore, plaintiff prays judgment against Defendants, as set forth hereafter.

17 **SECOND CAUSE OF ACTION**

18 **(Injunctive Relief for Violations of Health and Safety Code §25249.5, et seq., against**  
19 **Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE LLC,**  
20 **PUREFORMULAS.COM, and DOES 26-50.)**

21 41. Plaintiff hereby incorporates by reference each and every preceding allegation and  
22 paragraph as though fully set forth in this cause of action.

23 42. On March 8, 2012, Plaintiff sent a 60-Day Notice of Proposition 65 violations to  
24 the requisite public enforcement agencies and to Defendants FULL GREEN CIRCLE  
25 CORPORATION, FULL GREEN CIRCLE LLC, and PUREFORMULAS.COM.

26 43. The following certain PRODUCTS were identified in the March 8, 2012 Notice  
27 of Violations as containing lead exceeding allowable levels:

28 a. Atrium Inc. atri-cleanse

- 1           b. Atrium Inc. Parasit-X
- 2           c. Atrium Inc. Chitosan HD Plus
- 3           d. Atrium Inc. fibertime
- 4           e. Atrium Inc. Val-Tran
- 5           f. Atrium Inc. Atri-Nerve

6           44.     The March 8, 2012 Notice of Violations was issued pursuant to, and in  
7 compliance with, the requirements of H&S Code §25249.7(d) and the statute’s implementing  
8 regulations regarding the notices of violations to be given to certain public enforcement agencies  
9 and to the violator. The March 8, 2012 Notice of Violations was issued as follows:

- 10           a. Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE  
11           LLC, and PUREFORMULAS.COM and the California Attorney General were  
12           provided copies by Priority Mail of the March 8, 2012 Notices of Violations,  
13           along with a Certificate of Merit by the attorney for the noticing party stating that  
14           there is a reasonable and meritorious cause for this action. The requisite county  
15           district attorneys and city attorneys were provided copies by Priority Mail of the  
16           March 8, 2012 Notices of Violations and Certificate of Merit.
- 17           b. Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE  
18           LLC, and PUREFORMULAS.COM were provided, with the March 8, 2012  
19           Notice of Violations, a copy of a document entitled “The Safe Drinking Water  
20           and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” which is also  
21           known as Appendix A to Title 27 of CCR § 25903.
- 22           c. The California Attorney General was provided, with the March 8, 2012 Notice of  
23           Violations, additional factual information sufficient to establish a basis for the  
24           Certificate of Merit, including the identity of the persons consulted with and  
25           relied on by the certifier, and the facts, studies, or other data reviewed by those  
26           persons, pursuant to H&S Code §§25249.7(d)(1) and 25249.7(h)(2).

27           45.     The appropriate public enforcement agencies have failed to commence and  
28 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against Defendants

1 based on the allegations herein.

2           46. By committing the acts alleged in this Complaint, Defendants at all times relevant  
3 to this action, and continuing through the present, have violated and continue to violate H&S  
4 Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing  
5 individuals who use or handle those certain PRODUCTS, identified in paragraphs 14 and 43  
6 above, to the chemical lead at levels exceeding allowable exposure levels without Defendants  
7 first giving clear and reasonable warnings to such individuals pursuant to H&S Code §§25249.6  
8 and 25249.11(f). Defendants have manufactured, packaged, distributed, marketed, sold and/or  
9 has otherwise been involved in the chain of commerce of, and continue to manufacture, package,  
10 distribute, market, sell and/or otherwise continue to be involved in the chain of commerce of  
11 those certain PRODUCTS, identified in paragraphs 14 and 43 above, which have been, are, and  
12 will be used and/or handled by individuals in California, without Defendants providing clear and  
13 reasonable warnings, within the meaning of Proposition 65, regarding the risks of cancer, birth  
14 defects and other reproductive harm posed by exposure to lead through the use and/or handling  
15 of those certain PRODUCTS, identified in paragraphs 14 and 43 above,. Furthermore,  
16 Defendants have threatened to violate H&S Code §25249.6 by those certain PRODUCTS,  
17 identified in paragraphs 14 and 43 above, being marketed, offered for sale, sold and/or otherwise  
18 provided for use and/or handling to individuals in California.

19           47. By the above-described acts, Defendants have violated H&S Code §25249.6 and  
20 is therefore subject to an injunction ordering Defendant to stop violating Proposition 65, and to  
21 provide required warnings to consumers and other individuals who will purchase, use and/or  
22 handle those certain PRODUCTS, identified in paragraphs 14 and 43 above.

23           48. An action for injunctive relief under Proposition 65 is specifically authorized by  
24 Health & Safety Code §25249.7(a).

25           49. Continuing commission by Defendants of the acts alleged above will irreparably  
26 harm the citizens of the State of California, for which harm they have no plain, speedy, or  
27 adequate remedy at law.

28           50. Wherefore, plaintiff prays judgment against Defendants, as set forth hereafter.

**THIRD CAUSE OF ACTION**

**(Civil Penalties for Violations of Health and Safety Code §25249.5, et seq. against Defendant  
ATRIUM, INC and DOES 1-25.)**

51. Plaintiff hereby incorporates by reference each and every preceding allegation and paragraph as though fully set forth in this cause of action.

52. On October 21, 2011, Plaintiff sent a 60-Day Notice of Proposition 65 violations to the requisite public enforcement agencies and to Defendants ATRIUM, INC. THE PRODUCTS were identified in the October 21, 2011 Notice of Violations as containing lead exceeding allowable levels. The Notice of Violations was issued pursuant to, and in compliance with, the requirements of H&S Code §25249.7(d) and the statute’s implementing regulations regarding the notices of violations to be given to certain public enforcement agencies and to the violator. The October 21, 2011 Notice of Violations was issued as follows:

- a. Defendant ATRIUM, INC. and the California Attorney General were provided copies by Priority Mail of the October 21, 2011 Notice of Violations, along with a Certificate of Merit by the attorney for the noticing party stating that there is a reasonable and meritorious cause for this action. The requisite county district attorneys and city attorneys were provided copies by Priority Mail of the October 21, 2011 Notice of Violations and Certificate of Merit.
- b. Defendant ATRIUM, INC. was provided, with the October 21, 2011 Notice of Violations, a copy of a document entitled “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” which is also known as Appendix A to Title 27 of CCR § 25903.
- c. The California Attorney General was provided, with the October 21, 2011 Notice of Violations, additional factual information sufficient to establish a basis for the Certificate of Merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, pursuant to H&S Code §§25249.7(d)(1) and 25249.7(h)(2).

53. The appropriate public enforcement agencies have failed to commence and



1 the requisite public enforcement agencies and to Defendants FULL GREEN CIRCLE  
2 CORPORATION, FULL GREEN CIRCLE LLC, and PUREFORMULAS.COM.

3 59. The following certain PRODUCTS were identified in the March 8, 2012 Notice  
4 of Violations as containing lead exceeding allowable levels:

- 5 a. Atrium Inc. atri-cleanse
- 6 b. Atrium Inc. Parasit-X
- 7 c. Atrium Inc. Chitosan HD Plus
- 8 d. Atrium Inc. fibertime
- 9 e. Atrium Inc. Val-Tran
- 10 f. Atrium Inc. Atri-Nerve

11 60. The March 8, 2012 Notice of Violations was issued pursuant to, and in  
12 compliance with, the requirements of H&S Code §25249.7(d) and the statute’s implementing  
13 regulations regarding the notices of violations to be given to certain public enforcement agencies  
14 and to the violator. The March 8, 2012 Notice of Violations was issued as follows:

- 15 a. Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE  
16 LLC, and PUREFORMULAS.COM and the California Attorney General were  
17 provided copies by Priority Mail of the March 8, 2012 Notices of Violations,  
18 along with a Certificate of Merit by the attorney for the noticing party stating that  
19 there is a reasonable and meritorious cause for this action. The requisite county  
20 district attorneys and city attorneys were provided copies by Priority Mail of the  
21 March 8, 2012 Notices of Violations and Certificate of Merit.
- 22 b. Defendants FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE  
23 LLC, and PUREFORMULAS.COM were provided, with the March 8, 2012  
24 Notice of Violations, a copy of a document entitled “The Safe Drinking Water  
25 and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” which is also  
26 known as Appendix A to Title 27 of CCR § 25903.
- 27 c. The California Attorney General was provided, with the March 8, 2012 Notice of  
28 Violations, additional factual information sufficient to establish a basis for the

1 Certificate of Merit, including the identity of the persons consulted with and  
2 relied on by the certifier, and the facts, studies, or other data reviewed by those  
3 persons, pursuant to H&S Code §§25249.7(d)(1) and 25249.7(h)(2).

4 61. The appropriate public enforcement agencies have failed to commence and  
5 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against Defendants  
6 based on the allegations herein.

7 62. By committing the acts alleged in this Complaint, Defendants at all times relevant  
8 to this action, and continuing through the present, have violated and continue to violate H&S  
9 Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing  
10 individuals who use or handle those certain PRODUCTS, identified in paragraphs 14, 43, and 59  
11 above, to the chemical lead at levels exceeding allowable exposure levels without Defendants  
12 first giving clear and reasonable warnings to such individuals pursuant to H&S Code §§25249.6  
13 and 25249.11(f). Defendants have manufactured, packaged, distributed, marketed, sold and/or  
14 has otherwise been involved in the chain of commerce of, and continue to manufacture, package,  
15 distribute, market, sell and/or otherwise continue to be involved in the chain of commerce of  
16 those certain PRODUCTS, identified in paragraphs 14, 43, and 59 above, which have been, are,  
17 and will be used and/or handled by individuals in California, without Defendants providing clear  
18 and reasonable warnings, within the meaning of Proposition 65, regarding the risks of cancer,  
19 birth defects and other reproductive harm posed by exposure to lead through the use and/or  
20 handling of THE PRODUCTS. Furthermore, Defendants have threatened to violate H&S Code  
21 §25249.6 by those certain PRODUCTS, identified in paragraphs 14, 43, and 59 above, being  
22 marketed, offered for sale, sold and/or otherwise provided for use and/or handling to individuals  
23 in California.

24 63. By the above-described acts, Defendants are liable, pursuant to H&S Code  
25 §25249.7(b), for a civil penalty of \$2,500 per day for each violation of H&S Code §25249.6  
26 relating to those certain PRODUCTS, identified in paragraphs 14, 43, and 59 above,.

27 64. Wherefore, plaintiff prays judgment against Defendants, as set forth hereafter.  
28

1 **THE NEED FOR INJUNCTIVE RELIEF**

2 65. Plaintiff hereby incorporates by reference each and every preceding allegation and  
3 paragraph as though fully set forth in this cause of action.

4 66. By committing the acts alleged in this Complaint, Defendants have caused  
5 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence of  
6 equitable relief, Defendant will continue to create a substantial risk of irreparable injury by  
7 continuing to cause consumers to be involuntarily and unwittingly exposed to lead through the  
8 use and/or handling of THE PRODUCTS.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for the following relief against Defendants ATRIUM, INC.,  
11 FULL GREEN CIRCLE CORPORATION, FULL GREEN CIRCLE LLC,  
12 PUREFORMULAS.COM:

13 A. A preliminary and permanent injunction enjoining each Defendant, its agents,  
14 employees, assigns and all persons acting in concert or participating with each Defendant, from  
15 manufacturing, packaging, distributing, marketing and/or selling THE PRODUCTS for sale or  
16 use in California without first providing clear and reasonable warnings, within the meaning of  
17 Proposition 65, that the users and/or handlers of THE PRODUCTS are exposed to the lead;

18 B. An assessment of civil penalties against Defendant, pursuant to Health & Safety  
19 Code §25249.7(b), in the amount of \$2,500 per day for each violation of Proposition 65;

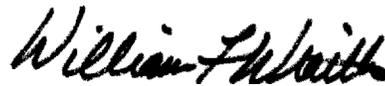
20 C. An award to Plaintiff of its reasonable attorney fees pursuant to California Code  
21 of Civil Procedure §1021.5 or the substantial benefit theory;

22 D. An award of costs of suit herein; and

23 E. Such other and further relief as may be just and proper.

24 Dated: October 18, 2012

25 WRAITH LAW

26 

27 By: \_\_\_\_\_

28 WILLIAM F. WRAITH  
Attorney for Plaintiff Environmental  
Research Center